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December 22, 2021

Kathleen Allen
Louisiana Board of Governmental Ethics
P.O. Box 4368
Baton Rouge, LA 70821

Re: Request for Advisory Opinion
Request for Expedited Consideration

Dear Kathleen:

We request that this matter be placed on the January 6, 2021 Agenda because it involves a continuous employment arrangement in connection with an initial employment contract that will expire on December 31, 2021.

Linda Curtis-Sparks, through undersigned counsel, respectfully requests an Advisory Opinion regarding the application of the Louisiana Code of Governmental Ethics (Ethics Code), based on the following facts:

I. Background Facts

Linda Curtis-Sparks has served as the Executive Director of the Sabine Parish Tourist Commission pursuant to an employment agreement that expires December 31, 2021. Linda Curtis-Sparks has provided her services as a payroll employee of the Sabine Parish Tourist Commission. Ms. Curtis-Sparks would like to continue her employment as a payroll employee in a role other than Executive Director.

II. Request for Advisory Opinion

Can Ms. Curtis-Sparks be employed with the Sabine Parish Tourist Commission upon the termination of her employment agreement as Executive Director of the Tourist Commission without violating the post-employment provisions of the Ethics Code?

III. Applicable Law

La. R.S. 42:1121(A) prohibits a former agency head, for a period of two years following the termination of his (or her) public service as the head of such agency, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency **or render any service on a contractual basis to or for such agency.**¹

La. R.S. 42:1121(B) prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting, for compensation, in a transaction in which such public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or from rendering any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

IV. Application of the Law to the Facts

Ms. Curtis-Sparks served as Executive Director of the Sabine Parish Tourist Commission and was a former agency head of Tourist Commission, therefore Section 1121A of the Ethics Code is the applicable provision. La. R.S. 42:1121(A) prohibits a former agency head, for a period of two years following the termination of his (or her) public service as the head of such agency, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency **or render any service on a contractual basis to or for such agency.**²

Ms. Curtis-Sparks will not be providing any services to her former agency, the Sabine Parish Tourist Commission, on a contractual basis which is prohibited under La. R.S. 42:1121A. Instead, she will continue as an employee of the Tourist Commission and will be paid a regular salary and remain on the payroll.

In Ethics Board Docket No. 2013-004 the Board concluded that "since the retiree is returning to employment on a full-time basis and not a contractual basis, there is no violation of the Code if the public servant rehires the retiree." Also, in Ethics Board Docket No. 98-156, the Board stated, "the Board wishes to inform you however, that you may hire this employee back on a temporary basis to fill this empty position without violating any provision of the Code."

Here, Ms. Curtis-Sparks intends to work only part-time not full-time but under no circumstance will she will provide her services on a contractual basis. She will continue as a payroll employee of the Tourist Commission.

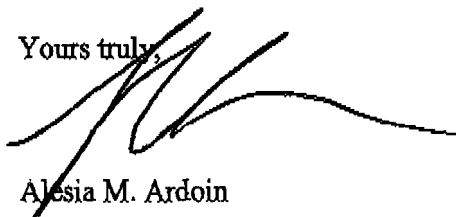
¹ Emphasis added.

² Emphasis added.

V. Conclusion

Based on the foregoing, we request that the Ethics Board issue an advisory opinion at its January 6, 2021 meeting, that Linda Curtis-Sparks is not prohibited under the Ethics Code from continuing her employment with the Sabine Parish Tourist Commission within two years of her termination of public service as the Executive Director of the Tourist Commission.

Yours truly,

A handwritten signature in black ink, appearing to be 'Alesia M. Ardoin', written over the typed name.

Alesia M. Ardoin



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